

September 3, 2020

By ECF

The Honorable Colleen McMahon
United States District Court for the Southern District of New York
United States Courthouse
500 Pearl Street, Room 2550
New York, NY 10007

Re: Status report in *New York v. EPA* (S.D.N.Y. 20-CV-3714) (CM) (rel. 20-CV-3058)

Dear Chief Judge McMahon:

Pursuant to the Court's July 9, 2020 order in this case (Dkt. No. 33), the parties submit this joint report on the status of this matter. Counsel for the Environmental Protection Agency informed counsel for the State Plaintiffs on September 1 that the policy at issue in the case was in fact terminated on August 31, 2020. In light of that development and as previously stated in the parties' joint letter to the Court dated July 9, 2020 (Dkt. No. 32), the States intend to voluntarily dismiss their complaint without prejudice on or before September 9, 2020.

Thank you for your consideration of this matter.

Respectfully submitted,

LETITIA JAMES
Attorney General of the
State of New York

AUDREY STRAUSS
Acting United States Attorney
Southern District of New York

By: Michael J. Myers¹
MICHAEL J. MYERS
Senior Counsel
Environmental Protection Bureau
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

By: /s/ Lucas Issacharoff
RACHAEL DOUD
LUCAS ESTLUND ISSACHAROFF
Assistant United States Attorneys
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-3274/2737
Fax: (212) 637-2702
Email: rachael.doud@usdoj.gov
E-mail: lucas.issacharoff@usdoj.gov

¹ Counsel for the State of New York represents that the other plaintiff States consent to this filing.